

RemarksStatus of the Claims

Claims 1-20 are pending in the application. All claims stand rejected. By this paper, claims 1, 12, and 16 have been amended. Claim 5 has been canceled. New claims 21 and 22 have been added to provide claim coverage commensurate with the scope of the invention. Reconsideration of all pending claims herein, as amended, is respectfully requested.

Claim Rejections

Claims 1-3, 5, 9-12, 15-17, 19, and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by Yoshinobu. Claims 4, 6, 8, and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu in view of Walker et al. ("Walker"). Claims 7, 14, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu and Walker, and further in view of Omoigui. These rejections are respectfully traversed.

Claim 1 has been amended merely to incorporate limitations of claim 5 and to clarify the arguments presented in the prior response. As amended, claim 1 recites a method for screening participant input for content in an interactive show, comprising:

for each participant desiring to provide input:

receiving participant input for a show and subsequently disconnecting a communication with the participant that submitted the participant input;

storing the participant input in a storage location;

automatically processing the stored participant input to determine a relationship of the participant input to the show;

based on the determined relationship, alerting the participant that submitted the participant input if the participant input is selected for the show; and

reconnecting the communication to receive additional input from the participant whose input is selected for the show.

These claimed features eliminate the need for participants of interactive shows, such as "call-in" shows, to stay actively "tuned in" while waiting for their comments or other input to be addressed by the show. Participants are only connected with the interactive show for a brief time to allow their input to be stored. The stored input is then processed (screened) to determine its relationship (relevance) to the show. For instance, in a call-in show, the participant's input may be screened to determine whether it relates to the current topic of discussion. If, at some point during the show, the participant's input is deemed relevant or otherwise selected for use in the show, the participant is alerted using a pre-selected method, e.g., a telephone call, voicemail, facsimile, email, instant message, screen alert, etc. The participant may then be re-connected with the interactive show, if necessary, to allow active participation and receive additional input.

Advantageously, these claimed features eliminate waiting time for participants, since they may engage in other activities while their input is being considered for possible use, discussion, etc. Furthermore, the interactive show needs fewer communication lines, since participants are not placed on hold for extended periods of time.

As the Examiner correctly points out, Yoshinobu is directed to a similar problem of overcrowded telephone lines during quiz shows and the like. However, Yoshinobu addresses the problem in an entirely different (and contradictory) way. As explained in the Abstract, Yoshinobu's approach allows "the amount of accesses from the reception side to be controlled with certainty by the broadcasting side." It does so, as noted in the Summary, by preventing calls from being connected. Yoshinobu explains:

With the two-way broadcasting method, only those receiving apparatus [sic] which do not satisfy the condition provided by the telephone call origination limiting information are enabled or allowed to access the specified reply destination to transmit reply data there.

Col. 4, lines 12-17. Thus, individuals who do satisfy the condition provided by the telephone call origination limiting information are not allowed to connect and therefore provide no "input" and do not become "participants."

Callers may be blocked by Yoshinobu in various ways. For example, access may be limited to callers with a particular "last digit" in their telephone numbers. As explained by Yoshinobu, "[b]y limiting the last digit in this manner, the broadcasting side can perform two-way broadcasting readily while it controls the amount of responses from the subscriber side." Col. 17, lines 42-44.

Yoshinobu contrasts his technique with a prior-art method described in the Background in which subscribers are voluntarily asked to call in only if their telephone numbers have a particular last digit. However, as Yoshinobu admits, such a method "relies upon the good intentions of subscribers, [and] it does not have an absolute effect and does not disable accessing of a subscriber whose telephone number is not permitted for participation." Col. 3, lines 3-6. Yoshinobu's approach is to enforce the

above requirement through technology as a means of addressing the problem of telephone overcrowding.

While Yoshinobu's technique is probably effective in reducing the number of calls to the interactive show, it does so at the expense of preventing many people from participating. Yoshinobu's "overkill" approach is precisely what the applicant was trying to avoid with the claimed invention, which collects input from all participants desiring to submit input, regardless of whether their telephone numbers end in a particular digit.

Yoshinobu Teaches Away from Receiving Participant Input for *Each Participant Desiring to Provide Input*

Yoshinobu does not, "for each participant desiring to provide input," receive "participant input for a show." As explained above, Yoshinobu reduces telephone overcrowding by blocking certain callers that have particular telephone numbers. Col. 17, lines 42-44. **Thus, some participants who "desire to provide input" are not allowed by Yoshinobu to provide input.** This teaching is specifically contrary to the claimed limitation of receiving participant input for *each* participant desiring to provide input.

The Examiner points out that Yoshinobu includes a user input means for inputting a reply to a question or reply data. Office Action at page 8. However, this only applies to the few individuals who are actually allowed to connect (those who are not blocked). These individuals, despite their desire to participate, **never actually become participants** because of the express teachings of Yoshinobu.

Yoshinobu Does Not Teach or Suggest a Method for Screening Participant Input for Content, as Opposed to Screening Telephone Numbers

Any screening in Yoshinobu is based on something other than the "content" of participant input. For example, Yoshinobu discloses excluding certain callers based on the last digit of their telephone number. A telephone number cannot be referred to as the "content" of participant input. It is selected by the telephone company, not the user. A telephone number is completely devoid of *content*.

Once users of Yoshinobu is allowed to connect (not prevented from connecting) based on their telephone number, they may provide responses to the quiz show. However, there is no teaching or suggestion that their input is *screened* based on *content*.

Yoshinobu Does Not Teach or Suggest the Claimed Order of Steps and Does Not, Therefore, Disclose the Claimed Invention as a Whole

Where an order of steps is specified explicitly or impliedly in a method claim, that order constitutes part of the invention as a whole. In determining obviousness, "the inquiry is not whether each element existed in the prior art, but whether the prior art made obvious the invention as a whole for which patentability is claimed." Hartness International, Inc. v. Simplicatic Engineering Co., 819 F.2d 1100, 2 U.S.P.Q.2d 1826 (Fed. Cir. 1987) (emphasis added).

Claim 1 recites a specific order of steps, i.e., (1) receiving participant input, (2) subsequently disconnecting communication with the participant, (3) storing the participant input, (4) automatically processing the stored participant input to

determine a relationship of the participant input to the show, and (5) alerting the participant if his or her input is selected.

If the Examiner is equating step (4) with Yoshinobu's determination of whether a caller is excluded from participation because of his telephone number, the applicants respectfully point out that steps (1), (2), and (3) cannot have taken place at this point, contrary to the claimed invention. The user of Yoshinobu's system has not yet provided input, as recited in step (1). Furthermore, communication with the user has not been disconnected, as recited in step (2).

If the Examiner is arguing that dialing a telephone number somehow constitutes "input," the applicants refer to their arguments above that participant input is more than just the call or the telephone number of the originating telephone. Indeed, the point of Yoshinobu's "quiz show" is to allow the user to participate in the quiz by providing input. If the mere fact that a user calls is the claimed "participant input," then what do Yoshinobu's users provide once they are allowed to connect to the quiz show? In Yoshinobu, the providing of participant input clearly occurs after the user's telephone number has been screened, not before.

By contrast, the claimed invention is about receiving initial input without screening, allowing each user to immediately disconnect to avoid tying up lines. Thereafter, the input is screened for relevance. If a user's input is selected for the show, the user is then alerted and allowed to reconnect. This claimed invention, as a whole, is simply not taught or suggested by Yoshinobu or any of the other cited references.

Yoshinobu Does Not Teach or Suggest Reconnecting Communication with a Participant Whose Input is Selected for the Show

As explained above, Yoshinobu does not teach (and teaches against) receiving input from each participant desiring to provide input. Some individuals never become participants, despite their desire to provide input. Because connection is never established with these non-participants, the system does not "subsequently disconnect ... communication" with them, as required by claim 1. Disconnection after receipt of input implies a connection once existed. However, according to Yoshinobu, such subscribers were never "allowed to access the specified reply destination." Col. 4, lines 12-17. Claim 1 requires the steps of (1) receiving input and (2) subsequently disconnecting to be performed for each participant desiring to provide input. This is simply not the case in Yoshinobu.

Even if the Examiner is correct about Yoshinobu teaching both of these steps, Yoshinobu most certainly does not teach the step of "reconnecting the communication to receive additional input from the participant whose input is selected for the show." Those users of Yoshinobu with the non-excluded telephone numbers are allowed to connect and provide input. There is no subsequent disconnection and reconnection. There would be no need for reconnection in Yoshinobu because the user has already been screened by his telephone number and allowed to provide input.

In response to claim 5 (now canceled and incorporated into claim 1), the Examiner remarked that Yoshinobu discloses, subsequent to alerting the participant, the step of receiving additional input from the participant. However, if this is the case,

what input was provided by the user before the disconnection, storage, and processing steps?

The addition of Walker and Omoigui does not cure the deficiencies of Yoshinobu. Walker discloses a database-driven online distributed tournament system. Omoigui merely discloses a technique for notifying clients concerning live electronic presentations that utilizes a text-to-speech mechanism.

Neither Walker nor Omoigui disclose or suggest a system that, for each participant desiring to provide input:

- (1) receives participant input for a show;
- (2) subsequently disconnects a communication with the participant that submitted the participant input;
- (3) stores the participant input in a storage location;
- (4) automatically processes the stored participant input to determine a relationship of the participant input to the show; and
- (5) based on the determined relationship, alerting the participant that submitted the participant input if the participant input is selected for the show.

At best, a combination of Yoshinobu with Walker and Omoigui merely suggests a technique for excluding certain individuals from participating in an online tournament using text-to-speech based on the individual's telephone number.

Yoshinobu Does Not Teach or Suggest Storing Input for *Each* Participant Desiring to Provide Input Prior to Screening

Likewise, Yoshinobu does not store "for each participant desiring to provide input ... the participant input in a storage location," as recited in claim 1, prior to determining whether the input is relevant to the program. Yoshinobu does not disclose or suggest storing participant input, such as comments, answers to quizzes, etc., for people excluded from participation because the last digit of their telephone number is not the one selected. Indeed, Yoshinobu teaches away from such a reading by stating that input from such excluded individuals is never transmitted (col. 4, lines 12-17).

Yoshinobu Does Not Process Input for Each Participant Desiring to Provide Input to Determine a *Relationship* with the Show

Furthermore, Yoshinobu does not "automatically process the stored participant input ... for each participant desiring to provide input" to determine the relationship or relevance of the participant input to the show." The individuals whose telephone numbers have the wrong last digit are never allowed to connect to the interactive show. Accordingly, their input is not received and therefore never analyzed to determine a relationship for the show. Even if a user's telephone number could be considered "input," which it cannot, Yoshinobu does not process stored telephone numbers to determine a "relationship" to the show. This limitation makes no sense in the context of the Examiner's apparent interpretation of the claim terms.

Yoshinobu Does Not Alert the Participant if the Participant's Input is Selected for the Interactive Show

Yoshinobu does not, "based on the determined relationship, alert ... the participant that submitted the participant input if the participant input is selected for the show," as recited in claim 1. Even if Yoshinobu's connecting a person with the proper last digit to the show can be deemed an "alert," it is not done after determining relationship of the participant input to the show. A subscriber's telephone number cannot fairly be construed as "participant input," since it is selected by the telephone company, not the subscriber. Yoshinobu does not disclose or suggest any other participant input that is evaluated to determine whether an alert should be sent to the participant.

Moreover, the claimed alert is to be received after the communication is disconnected, which, in turn, is to occur after the initial participant input is received. However, according to the Examiner, Yoshinobu's "alert" is to "notify the participants who are allowed to interact with the show." There has been no "disconnection" at this point. Hence, Yoshinobu's alert is received out of the claimed sequence.

Yoshinobu Does Not Determine Relevance of Participant Input to Show

As amended, claim 12 recites:

process[ing] the stored participant input to determine relevance of the participant input to the show; and

based on a determination of relevance, alert[ing] the participant that submitted the participant input if the participant input is selected for the show.

The applicants respectfully submit that none of the cited references disclose or suggest determining relevance of the participant input to the show. Examining the last digit of a telephone number would not be referred to as a determination of relevance by one of ordinary skill in the art.

Yoshinobu Does Not Disclose or Suggest Receiving Input and Alerting Users Via Different Communication Mediums

Original claim 9 recited that "the participant input is receivable via a communication medium different from a communication medium usable to alert the participant." New claim 21 recites:

establishing communication with a participant to receive input using a first communication medium;

disconnecting communication with the participant after receiving the input;

storing the participant input in a storage location;

in response to the input being selected for the show, alerting the participant that submitted the participant input using a second communication medium, the second communication medium being different from the first communication medium; and

reestablishing communication with the participant to receive additional input.

In response to claim 9, the Examiner stated that "participant input is capable of being received via a telephone call." However, this is only one communication medium. Yoshinobu does not disclose or suggest receiving participant input via one medium, *e.g.*, a telephone call, and alerting a participant that his/her input has been selected for the show using a different communication medium, *e.g.*, e-mail (claim 22), voicemail, facsimile, instant message, etc.

Conclusion

A rejection based on prior art – whether grounded in anticipation or obviousness – must account for each and every claim limitation. *Celeritas Techs. Inc. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1360, 47 U.S.P.Q.2d 1516, 1522 (Fed. Cir. 1998) (anticipation); *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q.2d 494, 496 (CCPA 1970) (obviousness); MPEP § 2143.03 (“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.”) (emphasis added). Because the references do not account for each and every claim limitation, as discussed above, the applicant respectfully submits that the prior art rejections should be withdrawn.

In view of the foregoing, the applicants respectfully submit that all pending claims herein are in condition for allowance. Early allowance of all pending claims is respectfully requested.

Respectfully submitted,

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